

Message Text

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PAGE 01 MANILA 06557 041113Z

46

ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 AID-20 COME-00 EB-11 FRB-02 TRSE-00 XMB-07

OPIC-12 CIEP-02 LAB-06 SIL-01 OMB-01 CEA-02 AGR-20

DRC-01 /174 W

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P 040940Z JUN 74

FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 4019

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E.O. 11652: N/A

TAGS: EGEN, ETRD, RP, US

SUBJECT: LAND LEASES AND TITLES

REF: STATE 112186

1. ECONOMIC/COMMERCIAL COUNSELOR HAS DISCUSSED QUESTIONS RAISED REFTEL WITH AIU ATTORNEY MICHAEL MURPHY ON SEVERAL OCCASIONS IN PAST FEW WEEKS. IN MOST RECENT TALK MAY 31 MURPHY EXPLAINED THAT HE HAD CONCLUDED BEST APPROACH TO HANDLING OF PUBLIC LAND OWNED BY HIS FIRM WAS TO PROCEED WITH SALE TO A PHILIPPINE CONTROLLED LAND HOLDING FIRM WITH A LEASE-BACK ARRANGEMENT. MURPHY SOUGHT FINAL CLARIFICATION OF ISSUES POSED REFTEL AND WAS INFORMED AS FOLLOWS:

(A) PRESIDENTIAL DECREE 471 REFERS EXCLUSIVELY TO LEASES OF PRIVATE LAND. PART OF ITS INTENT WAS TO CLARIFY AMBIGUITIES WHICH HAD GROWN UP IN RECENT MONTHS ESPECIALLY FOLLOWING RELEASE OF A LETTER OF THE SECRETARY OF JUSTICE ABAD SANTOS ASSERTING THAT LEASES SHOULD ONLY BE FOR 10 YEARS DURATION, RENEWABLE FOR 10 YEARS. PD 471 APPEARS TO HAVE MET INTERESTS BUSINESS COMMUNITY AT LARGE IN NAILING

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DOWN THIS POINT.

(B) PRESIDENT'S PROCLAMATION EXTENDING RIGHTS IN LAND TO MAY 27, 1975 EXPLICITLY REFERS BOTH TO PRIVATE LANDS AND TO PUBLIC LANDS. AMERICAN CHAMBER OF COMMERCE IS NOW SEEKING CLARIFICATION OF WHETHER PROCLAMATION ALSO INTENDED TO COVER FORESHORE LEASES AND OTHER LEASES OF PUBLIC LAND. THIS MATTER NOW BEING PURSUED WITH HOPE THAT ANSWERS CAN BE OBTAINED WITHIN NEXT FEW DAYS.

(C) CHAMBER ALSO SEEKING TO CLARIFY WHETHER DISTINCTION EXISTS BETWEEN PRIVATE LANDS AND PUBLIC LANDS OWNED BY AMERICANS WITH RESPECT TO ABILITY TO DISPOSE OF LAND TITLES DURING THE PERIOD JULY 3, 1974 TO MAY 27, 1975. IT IS OUR UNDERSTANDING, AND WE HAVE SO INFORMED PHILAM LIFE AND AIU REPRESENTATIVES, THAT PRIVATE LANDS OWNED BY AMERICANS COULD BE FREELY ENJOYED OR COULD BE DISPOSED OF FREELY AT ANY POINT IN TIME BEFORE MAY 27, 1975. REGARDING PUBLIC LANDS, HOWEVER, IT IS THE STATED POSITION OF THE PHILIPPINE GOVERNMENT THAT SUCH LANDS MAY BE ENJOYED BUT NOT LEASED, SOLD OR OTHERWISE ENCUMBERED AFTER JULY 3, 1974.

2. NEED FOR CLARIFICATION ON THESE ISSUES HAS BEEN EXPLAINED TO SOLICITOR GENERAL MENDOZA AND OTHER CABINET OFFICERS WITHIN PAST FEW DAYS AND A MEMORANDUM OF THE AMERICAN CHAMBER SEEKING SUCH CLARIFICATION IS BEING BROUGHT TO THE ATTENTION OF PRESIDENT MARCOS. WHILE PRECISE VEHICLE FOR ACHIEVING CLARIFICATION, E.G. WRITTEN LETTER OF CLARIFICATION BY SOLICITOR GENERAL OR ORAL PRESENTATION TO AMERICAN CHAMBER BY PHILIPPINE GOVERNMENT CABINET OFFICER, HAS NOT BEEN DECIDED, WE EXPECT AN ANSWER WITHIN NEXT FEW DAYS.

3. WE UNDERSTAND THAT BURDEN OF FOREGOING HAS BEEN CONVEYED TO AIU BY MURPHY.

4. ROLE OF NDC IS NOT YET CLEAR. IT HAS BEEN SUGGESTED INFORMALLY BY ONE CABINET MEMBER AS THE ENTITY LIKELY TO HOLD FUTURE LEASES ON PUBLIC LAND OR, PERHAPS, TO HOLD LANDS IN TRUST WHILE SUITABLE DISPOSAL ARRANGEMENTS MADE. THE PHILIPPINE PORT AUTHORITY HAS BEEN SUGGESTED TO TAKE A SIMILAR ROLE RE LEASES OF THE FORESHORE. NO REPEAT NO DEFINITE POLICY OR PROGRM HAS EMERGED ON THE ROLE OF LIMITED OFFICIAL USE

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EITHER ENTITY.
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Message Attributes

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